

BUSINESS & LABOREXHIBIT NO. 1
DATE 1-23-09
BILL NO. 56247

State	Citation	Requirements
Alabama	1975 § 13A-8-34	A secondary metals recycler shall maintain a legible record of all purchase transactions to which the secondary metals recycler is a party.
Arizona	44-1642 28-2091	Relates to scrap metal dealer record of purchase, a photo copy of driver license, fingerprints and validation of recorded information; provides for industrial accounts, relates to defacing, damaging or tampering with any utility, agriculture infrastructure, property, construction site or existing structure for purposes of obtaining nonferrous metals, requires later payment by check for scrap metal. Transfer of title required for purchase of salvage vehicles.
Arkansas	A.C. A. s 5-36-123 A.C. A. s 17-44-102 A.C. A. s 17-44-103	Establishes the crime of scrap metal theft. Scrap metal means copper, copper alloy, copper utility wire, any bronze, or any aluminum. Penalty increased if damage caused to property during theft is greater than \$250. All dealers or purchasers within this state of scrap metal shall prepare and maintain records of all purchases of scrap copper utility wire. A seller shall not sell and a scrap metal recycler shall not purchase the following scrap metal unless reasonable, written documentation is provided that the seller is the owner of the scrap metal or is an employee, agent, or other person authorized to sell the scrap metal on behalf of the owner: (1) Scrap metal marked with the initials of an electrical, a telephone, a cable, other public utility, or

Submitted by Tom Ebzery
Quest Communications

		a brewer; (2) Utility access covers; (3) Street light poles and fixtures; (4) Road and bridge guard rails; (5) Highway or street signs; (6) Water meter covers; (7) Metal beer kegs including those made of stainless steel that are clearly marked as being the property of the beer manufacturer; (8) Traffic directional and control signs; (9) Traffic light signals; (10) Any scrap metal marked with the name of a government entity; (11) Property owned by a telephone, a cable, a electric, a water, or other utility or by a railroad and marked or otherwise identified as such; and (12) Unused and undamaged building construction or utility materials consisting of copper, pipe, tubing or wiring, or aluminum wire, historical markers, or grave markers and vases.
California	West's Ann.Cal.Bus. & Prof.Code s 21605 West's Ann.Cal.Bus. & Prof.Code s 21608	<p>Every junk dealer and every recycler in this state is hereby required to keep a written record of all sales and purchases made in the course of his or her business.</p> <p>A junk dealer or recycler who fails in any respect to keep the written record is guilty of a misdemeanor.</p> <p>Every junk dealer or recycler who refuses, upon demand pursuant to exhibit the required written record or who destroys that record within two years after making the final entry of a purchase or sale of junk is guilty of a misdemeanor.</p> <p>The violation for a first offense is a fine of not less than \$1,000 or imprisonment in the county jail for not less than 30 days, or both that fine and imprisonment; for a second offense, \$2,000 or imprisonment in the county jail for not less than 30 days, or by both; for a third or any subsequent violation, \$4,000 or imprisonment in the county jail for not less than six months.</p>
Connecticut	13a-123	Requires scrap metal processors to comply with licensing and registration requirements applicable to junk dealers; requires scrap metal processors to maintain records that are open to examination.
Delaware	24 Del.C. s 2302	Every scrap metal processor shall create a record and provide information on a form to be supplied by the Delaware State Police or on another form that has been previously approved by the law enforcement agency having primary jurisdiction over the area in which the scrap metal processor's business is located with respect to copper, silver, gold or brass purchased or otherwise acquired.
Florida	538.19	A secondary metals recycler shall maintain a legible record of all purchase transactions to which such secondary metals recycler is a party. If the purchase involves a stainless steel beer keg, the seller must provide written documentation from the manufacturer that the seller is the owner of the stainless steel beer keg or is an employee or agent of the manufacturer.
Georgia	§ 10-1-351 § 10-1-352 § 10-1-356	A secondary metals recycler shall maintain a legible record of all purchase transactions to which such secondary metals recycler is a party. During the usual and customary business hours of a secondary metals recycler, a law enforcement officer shall, after properly identifying himself as a law enforcement officer, have the right to inspect: (1) Any and all purchased regulated metal property in the possession of the secondary metals

		<p>recycler; and (2) any and all records required to be maintained.</p> <p>It shall be unlawful for: (1) A secondary metals recycler to engage in the purchase or sale of regulated metal property between the hours of 9:00 P.M. and 6:00 A.M.; and (2) Any person to give a false statement of ownership or to give a false or altered identification or vehicle tag number and receive money or other consideration from a secondary metals recycler in return for regulated metal property.</p>
Hawaii	<p>§445-232</p> <p>§445-233</p> <p>§445-235</p> <p>§708-835.7</p>	<p>Requires licensing of scrap dealers with state treasurer.</p> <p>Every scrap dealer, when the dealer purchases scrap within the State, shall obtain a written statement signed by the seller certifying that the seller has the lawful right to sell and dispose of the scrap.</p> <p>Violation results in (1) A fine of \$1,000 for the first offense; (2) A fine of \$3,000 for the second offense; and (3) A fine of \$5,000 and the suspension of the scrap dealer's license for a period of six months for the third or subsequent offense; provided that if the third or subsequent offense occurs within a five-year period from the occurrence of two prior offenses, the scrap dealer shall be subject to license revocation.</p> <p>A person commits the offense of theft of copper if the person commits theft of copper that weighs a pound or more, but not including legal tender of the United States. Theft of copper is a class C felony.</p>
Illinois	625 ILCS 5/5-401.3-4	Requires scrap metal dealers to keep records of transactions. This includes the purchase of beer kegs.
Indiana	Ind. Code 25-37.5-1-2	Requires valuable metal dealers to make and retain copies of government issued photo identification to verify the identity of persons whom dealers purchase valuable metal; provides a dealer may not accept a metal beer keg if the keg is clearly marked as the property of a brewery or the keg's markings have been made illegible.
Kansas	K.S.A. 50-6,110	<p>It shall be unlawful for any person to sell any item or items of regulated scrap metal to a scrap metal dealer in this state unless such person presents to such scrap metal dealer the seller's name, address and place of business, if any.</p> <p>Every scrap metal dealer shall keep a register in which the dealer shall at the time of purchase or receipt cross-reference to previously received information, or enter the name, residence or place of business, if any, of the person from whom the scrap metal dealer purchased or received the item, a description made in accordance with the commodity code standards of the trade of items purchased, the price paid for such item or items, and a copy of the seller's photo driver's license card or another government-issued photo identification card.</p>
Kentucky	<p>KRS s 243.897</p> <p>KRS s 433.890</p>	Every recycler, dealer in junk or metals, dealer in secondhand articles, vendor of bottles or rags, collector of or dealer in articles found in ashes, garbage, or other refuse shall keep records of purchases of any catalytic converter, railroad rails, nonferrous metal or an alloy thereof, or an object containing nonferrous metal or an

		<p>alloy</p> <p>No recycler, scrap metal dealer, or scrap yard operator may purchase any metal beer keg, whether damaged or undamaged, except from the brewer or its authorized representative if the keg is clearly marked as the property of a brewery manufacturer; or the keg's identification markings have been made illegible.</p>
Maine	<p>30-A MRSA § 3772</p> <p>30-A MRSA § 3777</p>	<p>Requires keeping records of all scrap metal purchases. Prohibits purchasing scrap metal (including beer kegs) without signed statement that property is not stolen. A person in violation commits a civil violation for which a fine of not less than \$50 and not more than \$1,500 may be adjudged.</p>
Michigan	<p>M.C.L.A. 750.537</p> <p>M.C.L.A. 750.538</p>	<p>Applies the Penal Code to any unlawful barter, transfer, sale, or shipment of copper or silver by person working in mine</p> <p>Applies the Penal Code to unlawful sales, transfers, or shipments of copper or silver by persons not engaged in business of mining or producing.</p>
Minnesota	325E.21	<p>Appropriates money for public safety; relates to sentencing provisions; regulates scrap metal dealers.</p> <p>Requires video surveillance cameras or similar devices positioned to record or photograph a frontal view showing the face of each seller or prospective seller of scrap metal who enters the location. The scrap metal dealer shall also photograph the seller's or prospective seller's vehicle, including license plate, either by video camera or still digital camera, so that an accurate and complete description of it may be obtained from the recordings made by the cameras. The camera must record and display the accurate date and time and must be turned on at all times when the location is open for business and at any other time when scrap metal is purchased.</p>
Mississippi	Miss. Code Ann. s 97-17-71	<p>"Metal property" is defined as railroad track materials, copper materials and aluminum materials and electrical, communications or utility brass, stainless steel sinks, catalytic converters not attached to a motor vehicle and metal beer kegs.</p> <p>Every scrap metal dealer or other purchaser shall keep an accurate and legible record of purchases.</p> <p>A scrap metal dealer or other purchaser shall not enter into any cash transactions in payment for the purchase of metal property.</p> <p>A violation is a misdemeanor, and shall be punished by a fine not to exceed \$1,000 per offense, unless the purchase transaction or transactions related to the violation, in addition to any costs which are, or would be, incurred in repairing or in the attempt to recover any property damaged in the theft of or removal of the metal property, exceeds \$500, in which case the person shall be guilty of a felony and shall be imprisoned in the custody of the Department of Corrections for a term not to exceed ten years, fined not more than \$10,000.00 or</p>

		both.
Nevada	N.R.S. 519.090	Examination of books of assayer and purchaser upon affidavit of theft or other unlawful taking; Every assayer and purchaser shall keep and preserve a book of records for copper and copper bullion.
New Hampshire	322:6-a 322:12-a	Dealers shall keep records sufficient to the licensing authority of the accumulation, storage, and handling of commodities as a junk or scrap metal dealer. No junk or scrap metal dealer licensed by a governing body shall purchase any metal keg for malt beverages or pieces of such metal keg, unless the seller is the brewer whose name or marking appears on the keg. If the brewer's name or marking has been removed or obliterated, the licensee shall not purchase the keg.
New Mexico	N. M. S. A. 1978, s 57-30-4 N. M. S. A. 1978, s 57-30-5	The secondhand metal dealer or the dealer's agent shall visually verify the accuracy of the personal identification document and vehicle identification presented by the seller at the time of the dealer's purchase of regulated material. A secondhand metal dealer shall keep an accurate and legible written record, in a form approved by the department, of each purchase made in the course of the dealer's business from a person of copper or brass material, bronze material, aluminum material in excess of ten pounds; or steel material in excess of one ton, except that a written record shall be kept of each purchase of a stainless steel beer keg.
New York	McKinney's General Business Law § 60	Provides definitions of junk metal and junk dealer; provides for certain required identification and reporting procedures on the purchase of metal.
North Carolina	N.C. Gen. Stat. 66-11.1	Unlawful for any person to transport or have in his possession on highways of this State, in any vehicle other than a vehicle used in the ordinary course of business for the purpose of transporting such copper, an amount of such copper of an aggregate weight of more than 25 pounds, unless specifically permitted or registered.
Ohio	4737.04(6)(B) 4737.99	Every scrap metal dealer shall maintain a record book or electronic file, in which the dealer shall keep an accurate and complete record of all articles purchased or received by the dealer in the course of the dealer's daily business. Violation carries fine not less than twenty-five nor more than one thousand dollars and the costs of prosecution.
Oklahoma	21 Okl.St.Ann. s 1727 21 Okl.St.Ann. s 1728	Copper stealing, removing, or aiding in copper theft is a felony met with certain penalties Any person who shall receive, transport, or possess in this state stolen copper wire, copper cable, or copper tubing under such circumstances that he knew or should have known that the same was stolen shall upon conviction thereof be guilty of a felony and shall be confined in the State Penitentiary for a term of not less than one year nor more than five years, or shall be confined in the county jail for not less than ninety days nor more than two hundred days, or shall be fined not less than \$100.00 nor more than \$500.00, or both such fine and imprisonment.
Rhode Island	House Bill No.7482	Provides that each person purchasing or receiving old or

		used metals other than junked automobiles or automobile parts maintain a record of each purchase or receipt. The record must include the date of the transaction, the name, address, telephone number and signature of the person from whom the old or used metals are purchased or received, a description of the old or used metals, and the price paid for the old or used metals. The records must be produced at the request of law enforcement officials.
South Carolina	Code 1976 s 16-1-100	Crimes classified as misdemeanors include copper theft.
	Code 1976 s 16-17-680	Unlawful purchase or transportation of copper wire or copper pipe, aluminum, products containing a mixture of copper and aluminum, and stainless steel beer kegs or containers-except for aluminum cans.
South Dakota	SDCL s 34A-6-112	If the scrap metal business is notified by a law enforcement officer that an item of nonferrous metal property has been reported as stolen, a scrap metal business shall hold that property intact and safe from alteration, damage, or commingling, and shall place an identifying tag or other suitable identification on the property. The scrap metal business shall hold the property for a period of time as directed by the law enforcement agency up to a maximum of ten business days
Tennessee	62-9-102	Effective October 1, 2008, no scrap metal dealer shall purchase, deal or otherwise engage in the scrap metal business unless the dealer is registered with the Department of Commerce and Insurance. No scrap metal dealer may purchase or otherwise acquire scrap metal from a person unless that person presents a state or federally issued photo identification card that appears valid on its face to the dealer, and provides a thumbprint. No scrap metal dealer shall knowingly purchase or possess a metal beer keg, whether damaged or undamaged, or any reasonably recognizable part thereof, on any premises that the dealer uses to buy, sell, store, shred, melt, cut or otherwise alter scrap metal.
	62-9-103	
	62-9-108	
Utah	U.C.A. 1953 s 76-10-907	Every dealer shall maintain for each purchase of regulated metal the information required in a written or electronic log, in the English language. The dealer shall record a complete description of the regulated metal, including weight and metallic description, in accordance with scrap metal recycling industry standards; the full name and residence of each person selling the regulated metal; the vehicle type and license plate number, if applicable, of the vehicle transporting the regulated metal to the dealer; the price per pound and the amount paid for each type of regulated metal purchased by the dealer; the date, time, and place of the purchase; at least one form of identification; the seller's signature on a certificate stating that he has the legal right to sell the scrap metal or junk; and a digital photograph or still video of the seller, taken at the time of the sale, or a clearly legible photocopy of the seller's identification.
Virginia	Va. Code Ann. s 59.1-128	It shall be unlawful for any person, firm or corporation to

		barter, purchase, exchange, buy or accept from any person whomsoever, except the manufacturer thereof or his authorized agent, railroad, coal mining, industrial, manufacturing and public utility companies, or the authorized agents of such companies, governmental agencies, and licensed junk dealers, licensed scrap metal dealers, licensed electrical contractors and licensed merchants, any secondhand grooved or figure-eight copper trolley wire, bare or insulated heavy stranded copper or aluminum feeder wire, high voltage copper or aluminum transmission wire, or bare or insulated mining machine copper cables.
Washington	19.290.020 19.290.010 19.290.30	Requires every scrap metal business in the state to produce accurate and legible records of each transaction involving nonferrous metal property; provides the correct format for transaction documentation; prohibits transactions with a person who cannot produce specified identification or from a commercial seller who does not have a commercial account with the business. This includes purchase of catalytic converters.
West Virginia	W. Va. Code, s 61-3-49	Any person who knowingly or with fraudulent intent violates any provision of this section, including the knowing failure to make a report or the knowing falsification of any required information, is guilty of a misdemeanor and, upon conviction of a first offense thereof, shall be fined not less than one thousand dollars nor more than three thousand dollars; upon conviction of a second offense thereof, shall be fined not less than two thousand dollars and not more than four thousand dollars and the court in which the conviction occurred shall issue an order directing the tax commissioner to suspend for a period of six months any business registration certificate held by that person; and upon conviction of a third or subsequent offense thereof shall be fined not less than three thousand dollars and not more than five thousand dollars and, the court in which the conviction occurred shall issue an order directing the tax commissioner to cancel any business registration certificate held by that person and state the date said cancellation shall take effect.
Wisconsin	134.405	A scrap metal purchaser must collect identification from sellers and maintain these, along with information specific to each sale, in a system of records. A scrap metal dealer who knowingly violates this section and who has not knowingly committed a previous violation of this section is subject to a fine not to exceed \$1,000 or imprisonment not to exceed 90 days, or both. A scrap metal dealer who knowingly violates this section and who has knowingly committed one previous violation of this section is subject to a fine not to exceed \$10,000 or imprisonment not to exceed 9 months, or both. A scrap metal dealer who knowingly violates this section and who has knowingly committed more than one previous violation of this section is guilty of a Class I felony.

This communication is the property of Qwest and may contain confidential or privileged information. Unauthorized use of this communication is strictly prohibited and may be unlawful. If you have received this communication in error, please immediately notify the sender by reply e-mail and destroy all copies of the communication and any